

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Dayno et al.

Serial No. 10/767025

Filed: January 29, 2004

For: COMBINATION THERAPY FOR THE TREATMENT OR
PREVENTION OF MIGRAINE

Art Unit: _____

Examiner: _____

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR 1.97

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).

2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.

4. Pursuant to the waiver by the Office of the requirement under 37 CFR 1.98 (a)(2)(i) dated July 11, 2003, if the filing date of this application is after June 30, 2003, copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

By *Klaus A. Nudo*Date *8-18-04*

INFORMATION DISCLOSURE STATEMENT

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:


RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE


If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

- ☐ the attached information is filed within three months of the filing date of the captioned case.
- ☒ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
- ☐ the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action or Notice of Allowance. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
- ☐ the undersigned certifies that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ the undersigned certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,


By: Raynard Yuro
Attorney _____ For Applicant(s)
Reg. No. 45,570
MERCK & CO., INC.
Patent Dept., RY60-30
P.O. Box 2000
Rahway, N.J. 07065-0907
(732)594-0182
Date: June 18, 2004

Substitute for form 1449A/PTO		COMPLETE IF KNOWN	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT  (use as many sheets as necessary)		Application Number	10/767025
		Filing Date	January 29, 2004
		First Named Inventor	J. M. Dayno et al
		Group Art Unit	
		Examiner Name	
		Attorney Docket Number	21311
Sheet	1	2	

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FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Office	Number	Kind Code (if known)		
	A	PCT	WO 98/03179			01/29/1998
	B	PCT	WO 99/20110		Merck & Co., Inc,	04/29/1999
	C	PCT	WO99/45905		Pozen Inc.	09/16/1999
	D	PCT	WO01/19336 A1		Cll Pharma	03/22/2001
	E	PCT	WO01/28548 A1		Texas Heart Institute	04/26/2001
	F	PCT	WO01/30288 A1		Anesta Corporation	05/03/2001
	G	PCT	WO01/45683 A2		Glaxo Group Limited	06/28/2001
	H	PCT	WO01/45683 A3		Glaxo Group Limited	06/28/2001
	I	PCT	WO02/05799 A2		Pharmacia Corporation	01/24/2002
	J	PCT	CA 1,303,995		Bristol-Myers Company	08/08/1986

Examiner Signature		Date Considered	
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*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				COMPLETE IF KNOWN	
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				Group Art Unit	
				Examiner Name	
Sheet	2	of	2	Attorney Docket Number	21311

[illegible][illegible]

Examiner Signature		Date Considered	
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